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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,545	02/10/2004	Tarmo Hyttinen	915-013.004	6700
7590 02/24/2009 Ware, Fressola, Van Der Sluys & Adolphson, LLP Building Five, Bradford Green 755 Main Street P.O. Box 224 Monroe, CT 06468				
EXAMINER WU, QING YUAN				
ART UNIT		PAPER NUMBER		
2194				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,545

Applicant(s)

HYTTINEN, TARMO

Examiner

Qing-Yuan Wu

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date 10/6/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are pending in this application.

Information Disclosure Statement

2. Documents 2002-0002076 and 2002-197241 cited in the IDS filed on 10/6/08 were not considered since the information provided is not sufficient for the examiner to determine what documents those numbers refer to.

Claim Objections

3. Claim 14 is objected to because of the following informalities:
 - a. As per claim 14, applicant should consider replacing "A method" with "The method" as recited in claim 18 for consistency.Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa (US Publication 2002/0004734) in view of Dean et al. (hereafter Dean) (US Patent 6,167,379).

6. As to claim 13, Nishizawa teaches the invention substantially as claimed including a method comprising:

receiving a high priority event to be added to a calendar application [paragraph 46, line 10-16; Fig. 4; S3-S4, Fig. 5],

searching possible overlapping events in said calendar application as a response to receiving said high priority event [paragraph 46, lines 16-19; S5, Fig. 5],

when one or more overlapping events are found, deleting the overlapping event(s) [paragraph 46, lines 19-25; S6-S9, Fig. 5],

processing the one or more overlapping events including selecting certain overlapping events and for allocating a memory block usage according to the selection of the certain overlapping events [paragraph 57, lines 3-9; S2, Fig. 12],

removing the overlapping event to a predetermined memory area allocated from the memory block and saving overlapping event in the memory block for a predetermined period [deleted schedule events are moved and store in a schedule history storing area of a storing unit until the schedule is recovered, Fig. 2, 32, 42; paragraph 57, lines 5-33; paragraphs 58 and 62; Figs. 13A-13B].

7. Nishizawa does not explicitly teach presenting said found one or more overlapping events with one or more processing alternatives for processing the found events, receiving a processing instructions comprise at least one of the following: deleting an overlapping event, removing an overlapping event, silencing an overlapping event (The examiner's interpretation of various

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recitations of “an overlapping event” as one of the one or more overlapping events for antecedent basis). However, Dean teaches presenting overlapping events to a user along with one or more processing alternatives for processing the found events, and receiving a processing instruction including replacement of the overlapping event [Dean, col. 4, lines 54-59; Fig. 3; 46, Fig. 4; 60, Fig. 5].

8. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teaching of automatic handling of conflicting events by Nishizawa with the user initiated conflicting events handling by Dean because of the inadequacy of computer automated handling of conflicting events in certain situations as being considered by Dean [Dean, col. 6, lines 12-24 and 26-39].

9. As to claim 14, it is rejected for the same reason as claim 13 above.

10. As to claim 18, Nishizawa as modified teaches the invention substantially as claimed including wherein said removing comprises removing said overlapping event to said memory block for possible later recovery in case of cancellation of an added high priority event [paragraph 57, lines 5-33; paragraphs 58 and 62].

11. As to claim 15, this claim is rejected for the same reason as claim 13 above. In addition, Nishizawa as modified teaches a calendar application [Figs. 2-4; Dean, abstract] and a program component for performing the various functionalities [28, 32, Fig. 2; Dean, Figs. 1-2].

12. As to claim 19, it is rejected for the same reason as claim 18 above.
13. As to claim 16, it is rejected for the same reason as claim 15 above.
14. As to claim 20, it is rejected for the same reason as claim 18 above.
15. As to claim 1, this claim is rejected for the same reason as claim 15 above.
16. As to claims 2-5, these claims are rejected for the same reason as claims 1 and 15 above.
17. As to claim 6, Nishizawa as modified teaches the invention substantially as claimed including wherein a high priority event is selectable from a menu of said calendar application [paragraph 45; Fig. 4].
18. As to claim 7, this claim is rejected for the same reason as claim 18 above. In addition, Nishizawa as modified teaches recovering found, timely matching, previously removed, overlapping events to the calendar application [paragraph 57, lines 9-20; paragraphs 58 and 62].
19. As to claim 8, Nishizawa as modified teaches the invention substantially as claimed including wherein said control is for comparing time associated to the high priority event to a

respective time of said calendar application for finding possible overlapping events from the calendar application [abstract].

20. As to claim 9, Nishizawa as modified teaches the invention substantially as claimed including wherein said calendar application is situated in said device using said calendar application [paragraph 35, lines 1-8; Fig. 1; Dean, abstract].

21. As to claim 10, Nishizawa as modified teaches the invention substantially as claimed including wherein said calendar application is situated in a remote device being connected to said device using the calendar application [Dean, abstract; col. 3, line 52-col. 4, line 41].

22. As to claims 11-12, Nishizawa as modified teaches the invention substantially as claimed including wherein the received high priority event is recognized by the control unit of the device/the calendar application [Schedule processing unit receiving the input and subsequently manipulating the calendar, paragraph 35; paragraph 46, lines 13-25; 28, 32, Fig. 2].

23. As to claim 17, it is rejected for the same reason as claim 18 above.

Response to Arguments

24. Applicant's arguments filed 11/28/08 have been fully considered but they are not persuasive.

25. In the remarks, Applicant argued in substance that:

a. Nishizawa does not disclosed anything about removing an overlapping event or saving it in a predetermined memory area for a predetermined period.

26. Examiner respectfully traversed Applicant's remarks:

As to point (a), the examiner respectfully disagrees and submits that the instance of the schedule being adjusted are removed and stored in a schedule history storing area until an existing schedule is deleted (when recovering is still feasible) and the schedule whose position is moved due to the adjustment is returned to the initial position. As disclosed, new schedule term event (new) at 10:00, conflicts with period event (5) [paragraph 56; Fig. 11A], new term event (7) is now adjusted to 8:30 (removing the term event 10:00 to schedule history storing area) [Fig. 11C], if period event (5) is deleted [Fig. 13A], the new term event (7) is recovered from the schedule history storing area, which clearly satisfy the limitation above [Fig. 2, 32, 42; paragraph 57, lines 5-33; paragraphs 58 and 62].

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571)272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/

/Qing-Yuan Wu/

Supervisory Patent Examiner, Art Unit 2195

Examiner, Art Unit 2194